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A COMMENT ON PETER CICCHINO'S "DEFENDING HUMANITY"

RANDALL KENNEDY*

This is an extraordinary occasion that rightly honors a wonderful person, Professor Peter Cicchino, who is remarkable in a variety of ways: the intensity of his passion for justice, the range of his friendships, the breadth of his experience, the eloquence with which he voices his concerns, the generosity of his spirit, the grace with which he faces personal challenges.

With respect to Professor Cicchino's essay "Defending Humanity," I have two points to make, one that affirms what he has written and one that is somewhat critical of his perspective.

The affirmative comment focuses on a statement that has been quoted by previous speakers. "In our work to protect the human rights of our clients." Professor Cicchino asserts, "we're making a good and happy human life for ourselves."¹ This is an important idea to embrace and articulate because human rights advocacy is a potentially meaningful and enjoyable way to exercise lawyering skills and because many people will be dissuaded from pursuing this line of work unless they perceive that it will allow them to attain happiness. Some people who engage in human rights advocacy revel in a romance of martyrdom, impoverishment, drudgery. For some, this is an attraction. (God bless the variety of human motives!) Many people, however, will be willing to invest large portions of their time and energy in human rights advocacy only if they can see in concrete ways that doing so can be pleasurable. One of the notable things about Professor Cicchino is that he allows the world to see that he has reaped a deep and lasting happiness from his work on behalf of

* This comment is based upon remarks that Professor Randall Kennedy of Harvard Law School delivered at a ceremony held on April 17, 2000 at the American University, Washington College of Law in Washington, D.C. The ceremony honored Professor Peter Cicchino and established a new award dedicated in his name. The Peter Cicchino Award for Outstanding Advocacy in the Public Interest recognizes students and alumni whose devotion and creative service to the public interest exemplify the highest ideals of the Washington College of Law.

1. Peter Cicchino, *Defending Humanity*, 9 AM. U. J. GENDER SOC. POL'Y & L. 1 (2001).

others.

My second point is related to the first in that it involves what I perceive to be an imperative need for human rights advocacy: the need to generate a much larger group of champions and allies. Professor Cicchino writes of his disappointment with the “Failure of imagination and loss of promise represented by all those law students . . . who enter law school dreaming of doing great things in the pursuit of justice, only to find themselves defending corporations.”² This remark needs revising. In the first place, the corporate form covers a variety of enterprises. Some are destructive scourges that entrench modern slavery, reinforce extreme poverty, buttress dictatorships, and fuel murderous civil conflicts. Some corporations, however, are attentive to human needs and contribute to human flourishing. Amnesty International is a corporation. So too is Memorial Sloan Kettering Cancer Center. So too are the publishing houses and newspapers that are vital conduits of information about our world.

Just as we need to be attentive to the diversity of enterprises that use the corporate form, so, too, do we need to be attentive to the diversity of situations that people confront as they consider the development of their careers. An unattached law student without loans to repay or benefiting from inherited wealth is in a different position than a law student with a family who is encumbered by heavy family obligations. People, moreover, have different ambitions and different temperaments. Many conscientious and public-spirited lawyers will be unable to work full-time, or half-time, or even a quarter-time doing human rights advocacy. That does not necessarily preclude them, however, from pursuing careers that warrant respect. There are substantial numbers of people who spend most of their time representing for-profit corporations who still contribute significantly to the advancement of human rights internationally. They do so through financial contributions, through pro bono services, and through their political support. Human rights advocates should be loathe to draw lines that would alienate such supporters. Furthermore, we should want such supporters *everywhere* since, as Professor Cicchino’s own career shows so vividly, there is a struggle for justice to be waged everywhere—not only in far-away places but also in our own streets, schools, factories, and firms.

Finally, I’d like to thank Professor Cicchino again for his inspiring essay and for the many intelligent, heroic, generous acts he has

2. *Id.* at 52-53.

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performed throughout his career. They have enriched the world and set a high standard for future champions of human rights.